

CR-08 00373

JF

HRL

UNITED STATES DISTRICT COURT

E-FILING NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S. J.

THE UNITED STATES OF AMERICA

vs.

GABINO VARGAS-BARRAGAN

INDICTMENT

COUNT ONE: 8 U.S.C. Section 1326 - Illegal Re-Entry Following Deportation

A true bill.

*Richard W. Wieking*

Foreperson

Filed in open court this 4 day of June

A.D. 2008

*[Signature]*  
UNITED STATES MAGISTRATE JUDGE

Bail. \$ No Bail Warrant.  
RW

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
CRIMINAL DIVISION

VENUE: SAN JOSE

2008 JUN -4 P 1:34

UNITED STATES OF AMERICA,

V.

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

**E-FILING**

DEFENDANT.

**INDICTMENT**

**CR - 08 00373 JF**

**HRL**

A true bill.



Foreman

Filed in open court this 4 day of June  
2008

Clerk

Bail, \$ \_\_\_\_\_

JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney

**FILED**

2008 JUN -4 P 1:34

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

**E-FILING**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

GABINO VARGAS-BARRAGAN,

Defendant.

**CR -08 00373**

No.

VIOLATION: 8 U.S.C. § 1326 –  
Illegal Re-Entry Following Deportation

SAN JOSE VENUE

**JF**

**HRL**

INDICTMENT

The Grand Jury charges:

On or about May 23, 2007, the defendant

GABINO VARGAS-BARRAGAN,

an alien, previously having been arrested and deported from the United States on or about  
September 28, 1999, January 8, 2000, June 15, 2004, and August 30, 2004 was found in the  
Northern District of California, the Attorney General of the United States and the Secretary for  
Homeland Security not having expressly consented to a re-application by the defendant for

//

//

INDICTMENT

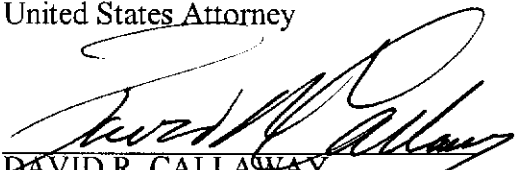
admission into the United States, in violation of Title 8, United States Code, Section 1326.

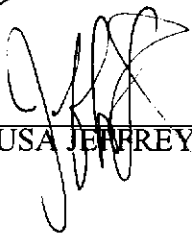
DATED: 6/4/08

A TRUE BILL.

  
FOREPERSON

JOSEPH P. RUSSONIELLO  
United States Attorney

  
DAVID R. CALLAWAY  
Deputy Chief, San Jose Branch Office

(Approved as to form: )

AUSA JEFFREY B. SCHENK

INDICTMENT

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING

## OFFENSE CHARGED

COUNT ONE: 8 U.S.C. § 1326 - Illegal  
Re-Entry Following Deportation☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

## PENALTY:

20 years imprisonment  
\$250,000 fine  
3 years supervised release  
\$100 special assessment

E-FILING

## PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)  
S/A TIMOTHY F. PURDY - ICE☐ person is awaiting trial in another Federal or State  
Court, give name of court☐ this person/proceeding is transferred from another  
district per (circle one) FRCrP 20, 21 or 40. Show  
District☐ this is a reprosecution of  
charges previously dismissed  
which were dismissed on  
motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a  
pending case involving this same  
defendant☒ prior proceedings or appearance(s)  
before U.S. Magistrate regarding  
this defendant were recorded underSHOW  
DOCKET NO.MAGISTRATE  
CASE NO.

08-70037 HRL

Name and Office of Person  
Furnishing Information on  
THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y  
(if assigned)

JEFFREY B. SCHENK

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA

FILED

DEFENDANT - U.S.

2008 JUN -4 P 1:34  
GABINO VARGAS-BARRAGANDISTRICT COURT NUMBER  
RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

JF

CR - 08 00373 HRL

## DEFENDANT

## IS NOT IN CUSTODY

1) ☐ Has not been arrested, pending outcome this proceeding.  
If not detained give date any prior summons  
was served on above charges2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)

Northern District of California

## IS IN CUSTODY

4) ☐ On this charge5) ☒ On another conviction6) ☐ Awaiting trial on other  
charges☐ Fed'l ☒ State

If answer to (6) is "Yes", show name of institution

Has detainer  
been filed?☐ Yes  
☐ NoIf "Yes"  
give date  
filedDATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

## ADDITIONAL INFORMATION OR COMMENTS

## PROCESS:

☐ SUMMONS ☐ NO PROCESS\*☒ WARRANT Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: \_\_\_\_\_

\*Where defendant previously apprehended on complaint, no new summons  
or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_